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3 UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION
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8 TYRONE L. ADAMS,

9 Plaintiff,

10 vs.

11 CHARLES L. EASLEY, et al.,

12 Defendants.
13

Case No: C 11-01219 SBA

**ORDER DISMISSING
ACTION**

14 Pro se Plaintiff Tyrone Adams ("Plaintiff") filed the instant action on March 11,
15 2011. Dkt. 1. He filed a 163-page first amended complaint on July 1, 2011. Dkt. 16. On
16 July 18, 2011, this Court issued an Order dismissing Plaintiff's first amended complaint on
17 the ground that it is "devoid of allegations showing how each Defendant violated his
18 rights." Dkt. 22. In this Order, the Court directed Plaintiff to amend his complaint to
19 "allege specific facts of the role that each defendant had in violating his rights." Id.

20 On August 15, 2011, Plaintiff filed a 179-page second amended complaint, which
21 contained the same flaws as the first amended complaint. Dkt. 23. In its Order dismissing
22 the second amended complaint, the Court stated that the pleading is vague, rambling, and at
23 times incomprehensible, and therefore did not comply with the requirements of Rule 8 of
24 the Federal Rules of Civil Procedure. Dkt. 108. Specifically, the Court dismissed the
25 second amended complaint on the ground that it violated "Rule 8(a)'s requirement that a
26 complaint set forth a 'short and plain statement' of Plaintiff's claims showing that he is
27 entitled to relief." Id. The second amended complaint was also dismissed on the ground
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1 that it violated "Rule 8(d)(1)'s requirement that a complaint contain 'simple, concise, and
2 direct' allegations." Id.

3 In dismissing the second amended complaint, the Court stated:

4 The second amended complaint does not simply, concisely, or directly
5 identify which wrongs were committed by which Defendants. The pleading
6 lacks specific, clear allegations as to whom Plaintiff is suing for what wrongs.
7 The pleading also does not plainly and succinctly identify the transaction or
8 occurrence giving rise to each legal claim and the facts that support the
elements of that claim. As such, the second amended complaint fails to plead
sufficient facts of each Defendant's purported wrongdoing to provide fair
notice of the claims alleged against them and the grounds upon which those
claims rest.

9 Id.

10 In light of Plaintiff's pro se status, the Court afforded Plaintiff the opportunity to file
11 a third amended complaint consistent with its Order. Dkt. 108. In doing so, the Court
12 advised Plaintiff that "all that is required under Rule 8(a)(2) is a 'short and plain statement'
13 of his claims showing that he is entitled to relief," and that he "is strongly encouraged to
14 limit his allegations only to the facts that are relevant and material to his claims." Id. The
15 Court also advised Plaintiff that any amended complaint should "clearly delineate each
16 legal claim, state facts indicating the nature and grounds for each claim, and specifically
17 identify the Defendant or Defendants he maintains are liable for that claim." Id.

18 On April 10, 2012, Plaintiff filed a 103-page third amended complaint. Dkt. 113.
19 Putting aside the untimeliness of this filing, the third amended complaint does not correct
20 the deficiencies identified by the Court in its Order dismissing the second amended
21 complaint. Specifically, the third amended complaint does not set forth a short and plain
22 statement of Plaintiff's claims showing that he is entitled to relief as required under Rule
23 8(a)(2). Nor does the third amended complaint contain "simple, concise, and direct"
24 allegations. Rule 8(d) requires that each averment of a pleading be "simple, concise, and
25 direct," and the failure to adhere to this requirement is a basis for dismissal. McHenry v.
26 Renne, 84 F.3d 1172, 1179 (9th Cir. 1996) (affirming dismissal of complaint that was
27 "argumentative, prolix, replete with redundancy, and largely irrelevant").
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1 The third amended complaint does not have simple, concise and direct averments.
2 Instead, the pleading contains rambling, redundant, confusing factual averments, and is
3 replete with conclusory allegations and argument about fraud, discrimination, retaliation,
4 and conspiracies. Like the second amended complaint, the third amended complaint does
5 not clearly delineate each legal claim, plainly and succinctly identify the transaction or
6 occurrence giving rise to each legal claim, and set forth the specific facts that support the
7 elements of that claim. In addition, despite being encouraged to limit his allegations only
8 to facts that are relevant and material to his claims and being advised that it is not necessary
9 to cite case law or include legal argument, the third amended complaint contains irrelevant
10 facts and is full of legal argument and unnecessary citations to case law.

11 In sum, because the third amended complaint does not correct the deficiencies in the
12 second amended complaint identified by the Court, dismissal of this action is warranted.
13 Because Plaintiff did not correct the deficiencies in his first amended complaint, second
14 amended complaint, or third amended complaint, there is no reason to conclude that he
15 could or would do so with further leave to amend. Consequently, this action is dismissed
16 with prejudice. Accordingly,

17 IT IS HEREBY ORDERED THAT:

- 18 1. This action is DISMISSED with prejudice.
- 19 2. The Clerk shall close the file and terminate all pending matters.

20 IT IS SO ORDERED

21 Dated: 6/8/12


22 SAUNDRA BROWN ARMSTRONG
23 United States District Judge
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1 UNITED STATES DISTRICT COURT
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4 TYRONE L ADAMS,

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9 _____/

10 Case Number: CV11-01219 SBA

11 **CERTIFICATE OF SERVICE**
12

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on June 8, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19
20 Tyrone L. Adams
21 P.O. Box 981044
22 West Sacramento, CA 95798

23 Dated: June 8, 2012

24 Richard W. Wieking, Clerk
By: Lisa Clark, Deputy Clerk
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